



CITY OF SALISBURY CITY COUNCIL AGENDA

MAY 9, 2022

6:00 p.m.

Government Office Building, Room 301, Salisbury, Maryland and Zoom Video Conferencing

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. CITY INVOCATION- J. Anthony Dickerson, Greater Mt. Olive Full Gospel Baptist Church
- 6:04 p.m. PROCLAMATIONS- Mayor Jacob R. Day
- Haitian Heritage Month
 - EMS Week
- 6:12 p.m. PRESENTATIONS
- "I Love Salisbury"- Salisbury University Students
 - Law Enforcement Body Camera Grant- Timothy Ailsworth, LGIT Executive Director
- 6:30 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:31 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- **April 18, 2022** Work Session Minutes
 - **Resolution No. 3168**- to approve the reappointment of Elise Trelegan to the Sustainability Advisory Committee (Green Team) for the term ending May 2025
- 6:34 p.m. AWARD OF BID- Procurement Director Jennifer Miller
- ITB 22-122 Park WTP Raw Water Main
- 6:40 p.m. RESOLUTION- City Administrator Julia Glanz
- **Resolution No. 3169**- to approve the City's Action Plan for Community Development Block Grant (CDBG) funds for CDBG Program Year 2022
- 6:45 p.m. ORDINANCES- City Attorney Ashley Bosche
- **Ordinance No. 2717**- 2nd reading- to amend Chapter 5.52 of the City Code, defining the definition of "Food Service Facility" in lieu of "Restaurant," and granting the City Fire Marshal the authority to enforce the provisions of Chapter 5.52
 - **Ordinance No. 2718**- 2nd reading- amending Chapter 2.32 of the Salisbury City Code, entitled "Purchases And Sales," to increase the maximum dollar amount for direct purchases and the minimum dollar amount for formal competitive bidding in order to increase Procurement efficiency in a market of increased costs

- **Ordinance No. 2720-** 2nd reading- amending Section 15.22 of the Salisbury City Code, entitled “Vacant Buildings”, to require registration of vacant lots and payment of annual fees
- **Ordinance No. 2724-** 2nd reading- approving a budget amendment of the FY22 General Fund Budget to appropriate funds to the Salisbury Fire Department’s Operating Budget
- **Ordinance No. 2725-** 1st reading- authorizing the Mayor to accept Law Enforcement Body Camera Grant funds from the Local Government Insurance Trust in the amount of \$4,425 for the Salisbury Police body worn cameras project
- **Ordinance No. 2726-** 1st reading- authorizing the Mayor to accept donated funds in the amount of \$1,000 from the Community Foundation of the Eastern Shore, and to approve an amendment to the FY22 Budget to appropriate these funds to partially cover costs of the purchase and installation of a new water fountain at Ben’s Red Swings Playground
- **Ordinance No. 2727-** 1st reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Local Behavioral Health Authority for the purpose of accepting Community Mental Health Services (COVID relief) Block Grant Funds in the amount of \$12,562 and to approve a budget amendment to the Grant Fund to appropriate these funds for the Homeless Services Case Specialist position

7:20 p.m. PUBLIC COMMENTS

7:25 p.m. ADMINISTRATION and COUNCIL COMMENTS

7:30 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk’s Office, Room 305 – City/County Government Office Building, 410-548-3140 or on the City’s website www.salisbury.md. City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council’s meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

NEXT COUNCIL MEETING – MAY 23, 2022

- Ordinance No._- 1st reading- approving budget amendment for Poplar Hill ADA ramp
- Ordinance No._- 2nd reading- Proposed FY23 Budget & establishing date for Public Hearing)
- Ordinance No._- 2nd reading- Proposed Water & Sewer rates
- Ordinance No._- 2nd reading- Proposed Fees
- PUBLIC HEARING on FY23 Proposed Budget, Proposed Water & Sewer Rates, Fees and Constant Yield
- PUBLIC HEARING Ordinance No. _ 2nd reading- amending Section 17.04.040 of code, entitled “Method of Regulation”, to add confirmatory language exempting Federal, State and Local governments from Title 17 of the Salisbury City Code
- **Ordinance No. 2725-** 2nd reading- authorizing the Mayor to accept Law Enforcement Body Camera Grant funds from the Local Government Insurance Trust in the amount of \$4,425 for the Salisbury Police body worn cameras project
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Join Zoom Meeting

<https://us02web.zoom.us/j/88186172560>

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

Posted 5/5/22

CITY OF SALISBURY
WORK SESSION
APRIL 18, 2022

Public Officials Present

Council President John “Jack” R. Heath	Mayor Jacob R. Day
Council Vice-President Muir Boda	Councilwoman Angela M. Blake
Councilwoman Michele Gregory	Councilwoman April Jackson

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Fire Chief Chris O’Barsky, Procurement Director Jennifer Miller, Police Chief Barbara Duncan, Officer Tucker, Special Assistant to the Mayor Nate Sansom, Executive Administrative Assistant Jessie Turner, City Clerk Kim Nichols, Attorney Ashley Bosche, and members of the public.

On April 18, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work Session in Council Chambers of the Government Office Building and on Zoom Conferencing Video.

Amending purchasing thresholds

Procurement Director Jennifer Miller said that Council raised the direct purchase threshold at which departments could procure items without first getting quotes from the small dollar amount of \$400 to \$2,000 some time ago. Her first request was for the above threshold to be moved to \$5,000 with anything below \$5,000 eligible for purchase with no competitive quotes. She also asked to raise the competitive formal bidding threshold to \$50,000 from \$25,000, and from \$5,000 to \$50,000 still requiring competitive quotes.

Her next request was to change the range for purchases between \$5,000 and \$25,000 to require (2) quotes and those from \$25,000 to \$49,999 to require (3) quotes. Currently, anything between \$2,000 and \$25,000 required (3) quotes.

The next request related to disposition of surplus supplies. The code referred to everything except vehicles, and she asked to add vehicles to the code, moving the threshold from its current \$2,000 to \$5,000. The director could decide what to do with anything below \$5,000, and anything above \$5,000 would go through Procurement.

Mr. Boda asked if the surplus of vehicles would be different if involved in an accident. Ms. Miller answered that if the historical cost of the vehicle was above \$5,000 it would come to Procurement to decide how to proceed.

President Heath thought the goal was to reduce the number of requests coming to Council and to save internal paperwork. Ms. Miller clarified that what came to Council would not change since competitive bidding items above \$100,000 already went to

Council. She said the Code did not require Council's approval, but surplus items were taken through Procurement as a habit. President Heath thought it may be necessary to rethink it because from a surplus point of view it could have impact on the finances.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Ordinance to amend Chapter 5.52 to define "Food Service Facility"

Deputy Fire Chief Chris O'Barsky and Fire Marshal Eric Cramer came before Council. Mr. Cramer presented the ordinance to define "Food Service Facility" in lieu of "Restaurant" and granting the authority to enforce the provisions of Chapter 5.52. Mr. Cramer's office had numerous inquiries by local businesses trying to determine if they required a City restaurant license. As written, Chapter 5.52 of the municipal code was vague on the definition of a restaurant making it difficult to determine the requirement. Additionally, staff discovered a number of unlicensed establishments not knowing they needed a restaurant license, such as with carryout food. The ordinance would clear up the definition of "Food Service Facility" and authorize enforcement of the legislation.

Mr. Boda asked if they checked for Health Department licensing as they conducted inspection. Mr. Cramer said the City license prompted Health Department's involvement, and vice-versa. He said it would increase the workload of his office very little.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Resolution to increase the Disability Advisory Committee membership from nine to twelve

Executive Administrative Assistant Jessie Turner explained the Disability Advisory Committee last increased their membership in 2020 from seven to nine members. They were looking to increase the frequency of their meetings from nine to twelve because of their increased projects, and thought the increase in membership would be beneficial.

President Heath said the committee was special to him, as he chaired it before coming to Council. The members were very active and more people wanted to be involved.

Council reached unanimous consensus to advance the resolution to legislative agenda.

Resolution to enter into an amended and restated land disposition agreement with Green Street Housing, LLC setting forth the terms and conditions governing the sale and redevelopment of Lot 30

City Administrator Julia Glanz reported the majority of the agreement remained the same as the last time it was before Council with the exception that it put forth the option to lease the parking lot adjacent to the property at Lot 30 nearest Perdue Farms facility. Additionally, the project expanded to approximately 80 units from the original 60 units, but still had the same affordable housing units and market on the first floor.

Mr. Boda asked if it contained one or two buildings, and Tom Ayd from Green Street Housing answered two buildings were proposed. One building with the ground floor amenity space for the residential and the market. The other building would have parking.

Council reached unanimous consensus to advance the resolution to legislative agenda.

Ordinance to require a permit to remove certain trees and require replacement or payment into a tree restoration fund

Special Assistant to the Mayor Nathaniel Sansom explained the ordinance would create the tree removal permit requirement. Currently, City residents could remove trees from their property without permits. The City did not track the trees and had no requirements to replace removed trees. As a Tree City USA member, the City was trying to become more sustainable and foster stewardship. The permit would only be required for trees having a 12" measurement about 4 feet from the ground (DBH level). Permits would be issued by HCDD free of charge and would not be required for trees with a DBH less than 12" or for trees dying, with pests, dangerous, etc. The permit would enable the City to track the trees removed in the City to ensure they were being replaced as needed. Trees would be replaced on a one to one ratio anywhere on the same parcel they were removed from. If unable or not desired to replace, a fee could be paid by the permittee to the Tree Replacement Fund to be planted somewhere else in the City. Professional tree services would be responsible for obtaining the permits. Property owners not using a professional tree service would have to obtain the permit themselves. The permit would be free.

President Heath asked about enforcement. Mr. Sansom explained that if permits were obtained, HCDD could track progress and ensure the tree was replaced. If a permit was not acquired, reports to HCDD or through their normal patrols they would see activity indicating tree removal. Mr. Heath thought the permit cost should not be prohibitive to discourage people. The goal was to get trees replaced.

Ms. Blake asked how this impacted HOAs in the City that had not been replacing trees in the original footprint of the development. Mr. Sansom said action could not be taken on trees removed in the past, but enforcement would take place moving forward. Ms. Blake asked how HOA's would be notified of the change, and Mr. Boda said they would need to be informed the legislation was passed so they would be aware.

Ms. Blake asked how much workload it would add to the City. Mr. Sansom said that HCDD voiced no concern to the added work but were confident they could track compliance. This would be added to their list of items to look for in their regular patrols. This would provide funds to plant more trees at an increased rate in Field Operations.

Ms. Blake asked if the model was taken from another Tree City and Mr. Sansom said it was from Deerborn, Michigan. He also discussed the many exemptions to the permit.

Ms. Jackson asked if a homeowner was removing a tree, they would have to have it replaced or replace it themselves. Mr. Sansom confirmed that would be the requirement. The fee amount was not set yet and would be established through the Fee Ordinance. If a

homeowner was exempt from obtaining the permit they would be exempt from the replacement requirement. Mr. Kitzrow said the \$125 was only an estimated fee amount and would be further discussed in the Budget session.

President Heath suggested sending the approved document to all of the City's HOAs. Ms. Glanz said Rachel Manning could reach out to them, and added that tree canopy added to healthier communities. They could also educate homeowners on the proper plantings for their lots and in proximity to their home to ensure trees lived a long time.

Council reached unanimous consensus to advance the ordinance to legislative agenda.

Ordinance to update Police Directed Towing

Mr. Sansom reported that police directed tow companies declining three or more tow requests within a three-month period were removed from the tow list for six months. The proposed provisions would revise the penalty structure and create two new fees- an additional labor fee and a single use labor fee. Presently there was no mechanism by which the tow companies could receive compensation for tows requiring single use materials for clean-up nor to bill for added labor for tows taking more time to complete. He then detailed each of the changes to Chapter 5.64 that the ordinance would enact.

Mr. Boda asked if allowing increasing the tow fees had been discussed. Everything cost more and he did not expect the tow companies to be restricted to fees placed 10 years ago. Mr. Sansom answered the ordinance simply established new fees and changes as current practice. The fees were established in the Fee Ordinance and not within the scope of the ordinance. Mr. Kitzrow said Administration was looking at increasing some of the fees including accident tows.

President Heath said there were sometimes calls made that were not responded to. It could be due to the fees being so low or it was too cold and they did not want to go. They had to be fair and equitable, but there was also an obligation on the drivers.

Council reached unanimous consensus to advance the ordinance to legislative agenda.

Ordinance to amend "Vacant Buildings" to require registration of vacant lots and payment of annual fees

Mr. Sansom informed Council that the City charged a flat rate of \$200/year to list a building on the vacant building registry. All buildings vacant for more than 180 consecutive days were required to file a form with HCDD to be included on the registry. Condemned buildings were also required to register within 30 days of condemnation.

The request was to amend Chapter 15.22 of the Code to require annual inspections of all buildings on HCDD's vacant building registry which were vacant over 180 consecutive days. Administration also requested to require the registration of vacant non-residential land upon which there was no ongoing, permitted construction. The inspection requirement would require for the public safety aspect as HCDD would be authorized

and required to perform the inspections to ensure they did not pose any threat to public safety. Non-residential lots would be required to register to encourage development.

He said that Administration intended to suggest related revisions to the annual fee schedule, which would be discussed in the upcoming budget sessions. As of April 14, 2022 there were 108 vacant properties on the registry and 36 condemned.

Council reached unanimous consensus to advance the ordinance to legislative agenda.

Charter Amendment to adjust Council district boundaries

Ms. Glanz reported the Charter Amendment was prepared due to the 2020 Census and the redistricting exercise the City Council and Administration participated in.

President Heath said that the way the City conducted the location of the new boundaries was to hand it over to the GIS staff – the politicians kept out of the decisions. The result was logical, clean boundaries where the populations were even.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Charter Amendment to reflect the City's contemporary legislative districts

Ms. Glanz said the Charter Amendment was to update outdated language surrounding elections dates and years. The updated language would reflect what was currently being practiced with November elections.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Charter Amendment to reflect the City's contemporary election of Mayor and Council

Ms. Glanz said the dated language would be removed referring to April 11, different districts and added in the first Tuesday in November language and the Council's four-year terms. It would bring the charter up to date to what was currently being practiced.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Public Comments

Four members of the public provided the following comments:

- Passed out a packet of information (attached as part of the minutes) and thanked Council, Mayor, Administration, Chief Duncan, Officer Tucker, and the members that were present for the Work Session to help get things moving forward.
- Fuel, labor, insurance, vehicle, and maintenance costs have all increased.
- The ordinance was an improvement but not there yet.

- Wished the tow companies present had received a chance to have some input in it. Nobody would have known about it if he had not come to last week's meeting.
- Concurred with the first speaker that the costs of conducting business was rising.
- 50% of the cars they towed were abandoned at their lots. Need to fine the owners, otherwise they were left with garbage and no compensation.
- Needed adding dollies and skids to the fees for the cars if keys were unavailable.
- Had a call last evening on a 2002 Mercedes wrecked by a drunk driver who hit a tree. It took about 45 minutes to safely get it strapped down and towed to his lot. The owner only had liability insurance which would not pay for the car. He was stuck with the car along with the other 8 abandoned cars on his lot. He had to pay rent on the lot along with other costs associated with conducting the business. All for the allowed billing of \$230 for his call at almost midnight last evening.

Administration and Council Comments

Ms. Glanz appreciated all of the comments and Administration would circle back to the companies and let them know what changes were made based on the comments today. She was looking forward to the Budget Sessions beginning tomorrow. Mayor Day was holding a press briefing with Delegate Anderton sharing the great news with the State Budget including \$500,000 for Rail Trail, \$250,000 for Zoo Andean Bear exhibit planning, additional funding including operating and capital funding for the Truitt Street Community Center in partnership with the Boys and Girls Club, funding for Junior Achievement, additional Police funds, and an increase to the Highway User Fund.

Mr. Boda asked the companies to report to Mr. Sansom the costs for dollies, skids and costs on abandoned vehicles. Third Friday was a nice event and good to be outside.

Ms. Jackson was happy the tow companies came and understood that costs were up. It was nice to be back with everyone. Thanked everyone who attended the Easter Egg hunt.

Ms. Blake thanked the tow companies for attending. She asked everyone to be aware and respectful of first responders and school buses on the roads. Earth Day was Saturday at the Zoo. She also asked those healthy enough to please donate blood.

Ms. Gregory also thanked the tow companies for showing up.

President Heath was happy to see citizens present and thanked them for their input. He requested prayer for the people of Ukraine, and if healthy enough, please donate blood.

Adjournment of Work Session

With no further business to discuss, President Heath adjourned the Work Session at 5:46 p.m.

City Clerk

Council President



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Re-Appointment to the Sustainability Advisory Committee
Date: March 2, 2022

The following person has applied for re-appointment to the Sustainability Advisory Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Elise Trelegan	May 2025

Attached is the information from Ms. Trelegan and the resolution necessary for her re-appointment. If this re-appointment is approved, it will be placed on a May 2022 City Council agenda for review.

Attachments

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<u>Name</u>	<u>Term Ending</u>
Elise Trelegan	May 2025

ATTEST:

John R. Heath
PRESIDENT, City Council

_____ day of _____, 2022

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

COUNCIL AGENDA

Department of Procurement

May 9, 2022

Award of Bid

- | | |
|---------------------------------------|---------------|
| 1. ITB 22-122 Park WTP Raw Water Main | \$ 405,239.00 |
|---------------------------------------|---------------|



City of Salisbury

Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: May 9, 2022
Subject: Award of Bids

The Department of Procurement seeks approval from City Council to award the following procurement:

ITB 22-122 Park WTP Raw Water Main

- Department: Infrastructure and Development
- Scope of Work: Labor, equipment and materials for replacement of approx. 220' of raw water main, new flow meter, meter vault, control wiring and dry well
- Bid date: 2/11/22
- Bid opening: 3/23/22 @ 2:30 pm
- Total bids received: 3
- Lowest responsive and responsible vendor: Tru Grit, LLC (Clayton, DE)
- Cost: \$405,239.00
- GL Account(s):
 - 97030-513026-50038 Park Well Field Raw Water Main

The City followed required bidding practices by publicly posting this solicitation on the City of Salisbury's Procurement Portal and the State of Maryland's website, eMaryland Marketplace Advantage. The departmental memo provides additional information.



City of
Salisbury
Jacob R. Day, Mayor

Jennifer Miller, Director of Procurement

From: Richard D. Baldwin, Acting Director of
Infrastructure & Development

Date: April 20, 2022

Re: ITB 22-122 Park Water Treatment Plant Raw Water Main Improvement

The Department of Infrastructure and Development recently worked with the Department of Procurement to advertise an invitation to bid for Park Water Treatment Plant Raw Water Main Improvement. The scope of work includes installation of a new flow meter and approximately 220 feet of new raw water main. Replacement of the raw water main east to Well 16 A involves over 2,300 feet of pipe proposed to be completed at a later time.

Bids were opened on March 23, 2022. Three (3) bids were received and are summarized below:

- | | |
|--------------------------------|--------------|
| • Johnson Construction Company | \$559,584.00 |
| • Retallack & Sons, Inc. | \$597,432.00 |
| • Tru Grit, LLC | \$405,239.00 |

The Department of Infrastructure and Development reviewed the bids and found the low bidder Tru Grit, LLC to be a responsive and responsible bidder. The references listed by Tru Grit, LLC were highly satisfied with the quality of work performed and would hire Tru Grit, LLC again. The Department of Infrastructure and Development recommends awarding ITB 22-122 Park Water Treatment Plant Raw Water Main Improvement Tru Grit, LLC.

Please issue a Purchase Order to Tru Grit, LLC in the amount of \$405,239.00 for the work specified in the Invitation to Bid 22-122 Scope of Work. Funds for this work are available in Account Number: **97030-513026-50038**

Finance Department – Grants Office

MEMO

To: Keith Cordrey

From: Deborah Stam

**Subject: Resolution Authorizing the Mayor to Submit
the 2022 CDBG Action Plan to HUD**

Date: April 29, 2022

The Finance Department – Grants Office has completed the draft 2022 Community Development Block Grant (CDBG) Action Plan. For planning purposes Salisbury has estimated that the amount of CDBG funding received in PY 2022 will be \$385,506, which is approximately 5% less than what was received in PY 2021. This is based upon the information we have received from HUD concerning the 2022 Federal Budget. Due to the anticipated delay in notification of the exact award amounts, the dollar amounts allocated to each project in the 2022 draft Action Plan are estimated. The actual dollar amounts allocated to each project will be adjusted as needed to meet the final, actual 2022 CDBG award amount.

For the 2022 Action Plan, the following projects have been approved by the City Administration:


General Administration (18.2%)	\$70,000
City of Salisbury – Waterside Park Improvements	<u>\$315,506</u>
Total	<u>\$385,506</u>

The first public hearing on the 2022 Action Plan was held on April 13, 2022 in the Council Chambers. This hearing provided an overview of the 2022 Action Plan and allowed citizens an opportunity to comment on the proposed project and provide their views on the community development needs of the City of Salisbury. No comments were received.

The second CDBG public hearing was held on April 27, 2022. That hearing provided citizens with a status report on the CDBG projects that are currently underway and/or have been completed in the last year, as well as an opportunity to comment on the housing and community development needs of the City of Salisbury. No comments were received.

The draft of the 2022 CDBG Action Plan was made available for public review beginning on March 25, 2022. The Action Plan was posted on the City website under the Housing & Community Development Department – Community Development section. The 30-day public comment period ended on April 25, 2022. No comments were received.

Attached is the Resolution to approve the 2022 CDBG Action Plan for the City of Salisbury, and to authorize the Mayor to submit said plan to HUD for their review and approval. Please forward this information to the City Council so that this item may be placed on their agenda for the May 9, 2022 legislative meeting. Thank you for your assistance.


Deborah J. Stam
Grants Manager
Finance Department – Grants Office

Attachment
CC: Olga Butar
Kim Nichols
Julie English

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WHEREAS, the Maryland State Office of the U.S. Department of Housing & Urban Development (HUD) has determined that the City of Salisbury qualifies as an “entitlement community;” and

WHEREAS, the Council of the City of Salisbury wishes the City to receive this annual allotment of CDBG funds from HUD so that various community development projects may be completed.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on May 9, 2022, and is to become effective immediately.

Kimberly R. Nichols
CITY CLERK

John R. Heath
CITY COUNCIL PRESIDENT

Jacob R. Day
Mayor

ORDINANCE NO. 2717

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 5.52 OF THE CITY CODE, DEFINING THE DEFINITION OF "FOOD SERVICE FACILITY" IN LIEU OF "RESTAURANT," AND GRANTING THE CITY FIRE MARSHAL THE AUTHORITY TO ENFORCE THE PROVISIONS OF CHAPTER 5.52.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the City of Salisbury desires to redefine which Food Service Facilities shall be licensed by the City pursuant to Chapter 5.52 of the Code; and

WHEREAS, the City of Salisbury desires to grant the responsibility to enforce the requirements of Chapter 5.52 to the Fire Marshal.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Chapter 5.52 of the Salisbury City Code, entitled "Restaurant", be and is hereby amended by repealing the crossed-out language and adding the bolded, italicized, and underlined language as follows:

Chapter 5.52 ~~RESTAURANTS~~ ***FOOD SERVICE FACILITY***

5.52.010 Definitions.

For the purpose of this chapter, the following words shall have the meanings indicated:

"~~Restaurant~~ ***Food Service Facility***" means any restaurant, cafe, public dining room, lunch counter, *cafeteria, bar, tavern, coffee shop, sandwich stand, bakery, grocery store, retail market, and like food operations in industries, institutions, hospitals, clubs, catering kitchens, commissaries, or similar places in which food or drink is prepared for sale or for service on the premises or elsewhere, or any other operations where food or drink is served or provided for the public with or without charge* or other like place where food is sold for human consumption. *A Food Service Facility does not include any day care or educational occupancy as defined in NFPA 101: Life Safety Code, 2018 edition, or bona fide nonprofit civic or religious organizations that do not serve food or drink to the public more often than three days per week.*

5.52.020 License required.

No person shall operate a ~~restaurant~~ ***Food Service Facility*** within the city, unless such person shall first have procured a license therefor from the city clerk.

5.52.030 Application for license—Contents.

- A. An application for a ~~restaurant~~ ***Food Service Facility*** license under this chapter shall be made in writing on a form supplied by the city clerk. In such application, the applicant shall agree to conform to all provisions of this chapter and other ordinances of the city and the rules and regulations governing ~~restaurants~~ ***Food Service Facilities***, to permit such examinations and inspections as may be deemed necessary by the health officer or assistant health officer and to the revocation of the ~~restaurant~~ ***Food Service Facility*** license at any time for failure to comply with the provisions of this chapter and other ordinances of the city and the rules and regulations governing ~~restaurants~~ ***Food Service Facilities***.

B. Any person requesting a ~~restaurant~~ **Food Service Facility** license under this chapter shall complete and sign an application as provided for in subsection (A) of this section, which shall be filed with the city clerk.

C. An application for a ~~restaurant~~ **Food Service Facility** license under this chapter shall include a report of inspection and approval by the City Fire Marshal showing compliance with the City Fire Prevention Code.

5.52.040 Investigation of premises—Report.

Upon the filing of an application as referred to in Section 5.52.030, the city clerk shall notify the health officer or assistant health officer, who shall make an inspection of the premises in connection with which the ~~restaurant~~ **Food Service Facility** license is requested and shall report, in writing, to the council, within four days of receipt of the request from the city clerk so to do, the condition of the premises and whether such premises conform to the sanitary regulations required of ~~restaurants~~ **Food Service Facilities** in the city.

5.52.050 Operation of ~~restaurant~~ after revocation of **a Food Service Facility without a valid** license.

~~Any person who continues to operate a restaurant after the revocation of the restaurant license issued under this chapter in regard to such restaurant shall be deemed guilty of a misdemeanor.~~

A. Misdemeanor. A person who operates a Food Service Facility without a valid license required under this chapter shall be guilty of a misdemeanor, and upon conviction thereof; shall be subject to a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each offense, or imprisonment for not more than ninety (90) days, or both. The party aggrieved shall have the right of appeal as is provided under the general laws of the State. Where the act or omission is of a continuing nature, conviction for the one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. Municipal Infraction. A person who operates a Food Service Facility without a valid license or otherwise violates any provision of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each day a violation continues shall be considered a separate offense.

C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this chapter.

D. The City Fire Marshal is authorized and designated by Council to authorize the persons within his or her department to act as enforcement officers for the purpose of enforcing this chapter.

5.52.060 License fee.

A license fee of fifty dollars (\$50.00) shall be charged and collected for each ~~restaurant~~ license issued under this chapter.

5.52.070 Refunding of license fee.

No refund of a license fee shall be made upon the surrender or cancellation of any ~~restaurant~~ license issued under the provisions of this chapter.

5.52.080 Expiration of license.

All ~~restaurant~~ licenses issued under this chapter shall expire on the 31st day of December next following the date of issue.

5.52.090 Nontransferability.

~~Restaurant~~ Llicenses issued under this chapter shall be nontransferable.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 25th day of April, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the ____ day of _____, 2022.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2022.

Jacob R. Day, Mayor

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AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 2.32 OF THE SALISBURY CITY CODE, ENTITLED “PURCHASES AND SALES,” TO INCREASE THE MAXIMUM DOLLAR AMOUNT FOR DIRECT PURCHASES AND THE MINIMUM DOLLAR AMOUNT FOR FORMAL COMPETITIVE BIDDING IN ORDER TO INCREASE PROCUREMENT EFFICIENCY IN A MARKET OF INCREASED COSTS.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community and market standards and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”); and

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to, *inter alia*, assure the good government of the municipality and to protect the health, comfort and convenience of the citizens of the City; and

WHEREAS, pursuant to § SC16-1.B of the City Charter, the Council by ordinance shall fix, and from time to time may change, the maximum amount of any such direct purchase, provided that such maximum authorized amount shall in no event exceed the maximum direct purchase amount set by the Ordinance of the Council, from time to time; and

WHEREAS, the Councils find that the health, safety, convenience, and general welfare of the citizens of the City will be furthered by amending Chapter 2.32 of the Salisbury City Code to increase the maximum dollar amount for direct purchases and the minimum dollar amount for formal competitive bidding in order to increase procurement efficiency in a market of increased costs; and

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 2.32 of the Salisbury City Code set forth below shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 2.32 of the Salisbury City Code is hereby amended as follows:

Section 1. Section 2.32 of the City Code shall be amended by adding the bolded and underlined language and deleting the strikethrough language below.

2.32.040 Direct purchases.

- A. Where immediate procurement is necessary to prevent delays in its work and resulting loss to the city, any using agency may be permitted by the director of procurement to purchase directly on the open market any minor items of non-recurring supplies, materials, equipment, or services ~~not in excess of two thousand dollars (\$2,000.00)~~ **less than five thousand dollars (\$5,000.00)**. Such purchases may be made without soliciting competitive quotations as long as the using agency determines the price to be reasonable. Each direct purchase shall be made in accordance with rules of procedure established by the director of procurement.
- B. The intent of this section is to permit direct purchases of minor items to prevent delays and loss and not as a substitute for advance planning of needs or as a regular method of recurring purchases of items. This section is not to be abused by unwarranted favoritism of one supplier or by division of one purchase into several small purchases, each less than ~~two thousand dollars (\$2,000.00)~~ **five thousand dollars (\$5,000.00)**. The director of procurement shall report to the council any violation or attempted violation of this section.

(Ord. 1992 (part), 2006: Ord. 1751 § 1 (part), 2001)
(Ord. No. 2440, 10-9-2017 ; Ord. No. 2489, 6-25-2018)

2.32.050 Procedure for competitive bidding.

Whenever the estimated value of the purchase or contract is ~~twenty-five thousand dollars (\$25,000.00) or less~~ **less than fifty thousand dollars (\$50,000.00)**, the council authorizes informal bidding procedures in the case of any single contract, purchase, or sale. Whenever the estimated value of the purchase or contract is ~~in excess of twenty-five thousand dollars (\$25,000.00)~~ **fifty thousand dollars (\$50,000.00) or more**, the following procedures shall be followed:

- A. Determination of When Bidding Required. On receiving any requisition for any purchase or any request for the making of any contract or council approval of any sale of city property, the Director of Procurement shall estimate the value and shall determine whether the same appears to require competitive bidding and what form it should take. If in doubt, he/she may submit such question to the city solicitor, who shall render an opinion informally or in writing as may be required by the Director of Procurement.
- B. Fixing of Terms, Conditions and Specifications of Bidding. After consulting the head of the using agency, the Director of Procurement shall fix and determine all the detailed terms and conditions of bidding pursuant to Article XVI of the Charter and this section, including the form and content of source selection, notices to bidders, times and conditions for bidding, specifications, surety for bids and other details. Bids may be requested in whole or in parts and with one or more alternates as the Director of Procurement may determine. In every instance, the city shall reserve the right to reject any bids, waive any irregularities and make the award in the best interests of the city.

Council approval shall be required for all unbudgeted capital outlay items and all capital outlay which exceeds budgeted funds. For budgeted goods and services, council approval shall only be required for contracts in excess of one hundred thousand dollars (\$100,000.00).

- C. Methods of Source Selection. If the estimated value is ~~twenty-five thousand dollars (\$25,000.00)~~ **fifty thousand dollars (\$50,000.00)** or more, the Director of Procurement shall solicit bids using one of the following methods:

1. Competitive Sealed Bidding.

- a. A public notice inviting bids shall be advertised using print or electronic media allowing ample time for preparation of bids, but in no event less than seven calendar days before the date for submitting bids.
 - i. The notice shall be made available to persons listed on the city's list of prospective bidders.
 - ii. Other persons shall be notified by suitable means as the Director of Procurement may select, in his/her discretion, in order to discourage uniform bidding and to obtain as full and open competition as possible.
 - iii. The notice shall contain a description of the project or purchase being sought, the availability and location of specifications, where bids must be submitted, the deadline for submitting bids, the time and place of the bid opening, and a statement indicating that the city reserves the right to reject all bids submitted.
- b. Sealed bids submitted to the Director of Procurement on time shall be opened in public at the time and place designated and shall be tabulated, which shall be open to public inspection.

- i. The Director of Procurement, on his/her own authority, may reject all bids or any part thereof, and re-advertise for bids when, in his/her judgment, the public interest will be served thereby.
 - ii. The director may select the successful bidder by lot if the best bids are identical and the public interest will not permit the delay of re-advertising.
 - c. The Director of Procurement shall award the contract to the responsible bidder who submits the responsive bid that is either the lowest bid price, or is the lowest evaluated bid price, or is the bid most favorable to the city.
 - d. If, after competitive sealed bids have been opened, the Director of Procurement determines that only one responsible bidder has submitted a responsive bid, the Director of Procurement may negotiate the procurement contract with that one bidder under the procedure for noncompetitive negotiation (sole source procurement).
 - e. After competitive sealed bids have been opened, the director may award a procurement contract on the basis of revised bids if:
 - i. All bids are rejected;
 - ii. All bid prices exceed the funds available for the procurement; or
 - iii. The director determines that all bids are unreasonable as to at least one requirement and the delay that would result from issuing a new invitation for bids with revised specifications or quantities would be fiscally disadvantageous or otherwise not in the best interests of the city;
 - iv. If there is more than one bidder, discussions about revised specifications or quantities shall be conducted with all responsible bidders who submitted responsive bids. The bidders shall be treated fairly and equally with respect to any discussions;
 - v. An invitation for revised bids shall state whether the award will be made without competitive negotiations; such invitation is not subject to the notice requirements in subsection (C)(1)(a);
 - vi. After revised bids have been submitted, negotiations with bidders may not be conducted unless the director determines that there is a compelling reason to negotiate. Award shall be made pursuant to subsection (C)(1).
2. Multi-Step Bidding.
- a. May be used when the director determines that an initial preparation of specifications for price bids is impracticable;
 - b. Shall follow notice and invitation to bid requirements found in subsection (C)(1)(a);
 - c. Includes a request for unpriced technical offer or samples;
 - d. Directs bidders to submit sealed price bids separately either with the technical offers or after the technical offers are evaluated and they have been found acceptable under the criteria set forth in the invitation to bid;
 - e. Only those prices submitted by bidders whose technical offers have been found acceptable will be considered;
 - f. Sealed price bids may not be opened until after a complete evaluation of the technical offers has been made;

g. Award is made pursuant to requirements under competitive sealed bidding.

3. Competitive Sealed Proposals.

a. Competitive sealed proposals may be used when the Director of Procurement determines that specifications cannot be prepared that allow an award based on the lowest bid price, the lowest evaluated bid price, or the bid most favorable to the city; or when the use of competitive sealed bidding is not practicable or not advantageous to the city.

b. A request for proposals shall follow the notice and invitation to bid requirements found in subsection (C)(1)(a).

c. A request for proposals shall include a statement of the scope of the procurement and the factors including price, that will be used in evaluating proposals and the relative importance of each factor.

d. After receipt of proposals, but before award, the director may conduct discussions with an offeror to:

i. Obtain the best price for the city;

ii. Ensure full understanding of the city's requirements and the offeror's proposal.

e. If discussions are conducted, the director:

i. Shall provide an opportunity to participate to each responsible offeror who submits a proposal that, in the judgment of the director, is reasonably susceptible of being selected for award;

ii. Shall treat all of those responsible offerors fairly and equally;

iii. May allow all of those responsible offerors to revise their initial proposals by submitting best and final offers, if discussions indicate that it would be in the best interest of the city to do so;

iv. May conduct more than one series of discussions and requests for best and final offers; and

v. May not disclose to an offeror any information derived from a proposal of or discussion with a competing offeror.

f. Proposals are irrevocable for the period specified in the request. A best and final offer is irrevocable for the period specified in the request for best and final offers.

g. The director shall award the procurement contract to the responsible offeror who submits the proposal or best and final offer determined to be the most advantageous to the city considering the evaluation factors set forth in the request for proposals.

4. Competitive Negotiations.

a. To be used for certain professional, architectural, engineering, or other specialized services;

b. The director requests statements of qualifications and information including description of work, time estimate, past experiences, references, hourly rates, if applicable;

c. All responses are evaluated and discussions may be conducted with any bidder to clarify qualifications or discuss the approach to the work;

- d. Once evaluations and discussions are completed, the using department head and the director shall select, in order of qualification ranking, at least three acceptable suppliers. The best qualified supplier is then requested to submit cost or pricing data. A contract is then negotiated with that supplier;
- e. If a contract cannot be negotiated, the reasons for failure are documented and the same process is followed with the next most qualified supplier.
5. Noncompetitive Negotiation-Sole Source Procurement.
- a. Noncompetitive negotiation can be utilized if at least two sources are available for the services but the absence of effective competition makes it unreasonable to expect bids or proposals from the available sources.
- b. A request for general expressions of interest shall be published in the same manner as required for invitation for bids, shall state the general requirements for services, and shall request interested service providers to respond in writing with general expressions of interest.
- c. The director may conduct discussions with any responsible service provider who has submitted an expression of interest; the director shall treat fairly and equally with respect to discussions all responsible service providers who have submitted expressions of interest.
- d. The director may award a procurement contract to the provider offering the best price, conditions, and services and in the best interests of the city.
- e. Sole source procurement exists whenever the director determines that there is only one available source for the subject of a procurement contract and he/she may award the contract without competition to that source.
6. Procedure for Informal Competitive Bidding.
- a. If the estimated value is ~~less than twenty five thousand dollars (\$25,000.00)~~ **five thousand dollars (\$5,000.00) but less than fifty thousand dollars (\$50,000.00)**, the Director of Procurement shall ~~solicit~~ **direct the solicitation of** informal competitive bids by giving notice by mail, telephone, fax, **email** or other means deemed effective by the director to such persons as he/she may select, at his/her discretion, in order to discourage uniform bidding and to obtain as full and open competition as possible.
- b. At least **two written competitive bids shall be secured whenever possible, when the estimated value is between \$5,000 and \$24,999, and at least three written competitive bids shall be secured whenever possible, when the estimate value is between \$25,000 and \$49,999**, and an award shall be made by the director to the lowest and best bid in the case of purchases or the highest and best bid in the case of sales.
- c. The director shall keep a record of all competitive bids submitted pursuant to this procedure, and such records shall be open in his/her office.
- D. Small Business Preference Program.
1. Applicability. The small business preference program applies to all competitive bidding conducted pursuant to this section by the city.
2. Procedures.
- a. The Director of Procurement shall screen all procurements potentially eligible for a small business preference and shall determine which of those procurements is

appropriate for preferences under these procedures. The Director of Procurement shall also determine which percentage preference is to be applied. The determination shall be based on the availability of qualified, certified small businesses and other appropriate factors.

b. The proposed small business procurement preference may not exceed a base percentage preference of five percent of the total contract value. A two-percent preference may be added to the base percentage preference for veteran-owned small businesses and a three-percent preference may be added to the base percentage preference for disabled-veteran-owned small businesses.

c. Any solicitation for a procurement designated for a small business preference shall include a statement that the procurement has been so designated and shall indicate the price preference percentage to be applied to that procurement.

d. Small business preferences shall apply only to those businesses which meet the definition of a small business, veteran-owned small business, or disabled-veteran-owned small business under Maryland law and COMAR, and in the case of the city's small business preference program, any small business, veteran-owned small business or disabled-veteran-owned small business must also have its principal place of business within the city limits, Maryland or be at least fifty-one (51) percent owned and controlled by an individual domiciled in the city.

e. The Director of Procurement shall maintain a list of all small businesses, veteran-owned small businesses and disabled-veteran-owned small businesses qualified under both state law and this Code to be designated as such. It is the responsibility of the small business and not the Director of Procurement, to request that its name be included on the list. The director will, however, verify whether each small business is qualified for inclusion on the list and demand whatever proof is required. If any business is found not qualified, the Director of Procurement will notify the business and afford it an opportunity to appeal the director's decision to the city administrator. The decision of the city administrator is final.

3. Direct Solicitation. When soliciting bids for a procurement designated for a small business preference, the Director of Procurement shall make available a solicitation or notice of the solicitation to all certified small businesses on the list which are appropriate for the subject of the contract.

4. Evaluation. When a procurement under this code section has been designated for a small business preference, the procurement officer shall accept the most favorable responsive bid from a responsible small business if the bid does not exceed the most favorable responsive bid price received from a responsible bidder that is not certified as a small business by:

a. More than five percent;

b. More than seven percent for a veteran-owned small business;

c. More than eight percent for a disabled-veteran-owned small business; or

d. The predetermined percentage preference.

(Ord. 1992 (part), 2006: Ord. 1751 § 1 (part), 2001)

(Ord. No. 2301, 9-22-2014; Ord. No. 2440, 10-9-2017 ; Ord. No. 2585, 3-9-2020)

261 **2.32.080 Disposition of surplus supplies.**

262 All using agencies shall submit to the Director of Procurement, at such times and in such form as
263 he/she may prescribe, a request to declare as surplus all supplies, materials, vehicles and equipment with a
264 historical cost of ~~two thousand dollars (\$2,000.00)~~ **five thousand dollars (\$5,000.00)** or more, that are no
265 longer used or which have become obsolete, worn out or scrapped. The director may transfer such stock to
266 other agencies which have need for or can use it or, if not thus usable, may sell or otherwise dispose of
267 same in accordance with the Charter. All supplies, materials, and equipment with a historical cost of less
268 than ~~two thousand dollars (\$2,000.00)~~ **five thousand dollars (\$5,000.00)**, which are no longer used or
269 which have become obsolete, worn out or scrapped, may be disposed of as determined by the head of the
270 department that is disposing of such property, **but in all cases shall adhere to appropriate methods of**
271 **disposition as established by the Director of Procurement. All surplus supplies dispositioned**
272 **pursuant to this procedure shall be submitted to the Director of Procurement and such record shall**
273 **be open in his/her office.**

274 (Ord. 1992 (part), 2006: Ord. 1751 § 1 (part), 2001)

275 (Ord. No. 2440, 10-9-2017 ; Ord. No. 2489, 6-25-2018 ; Ord. No. 2585, 3-9-2020)

276 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
277 **SALISBURY, MARYLAND,** as follows:

278 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
279 of this Ordinance shall be deemed independent of all other provisions herein.

280 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
281 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
282 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
283 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
284 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

285 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
286 if such recitals were specifically set forth at length in this Section 4.

287 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
288

289 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
290 of Salisbury held on the 25th day of April, 2022 and thereafter, a statement of the substance of the Ordinance
291 having been published as required by law, in the meantime, was finally passed by the Council of the City
292 of Salisbury on the ____ day of _____, 2022

293 **ATTEST:**

294
295 _____
296 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

297
298 Approved by me, this ____ day of _____, 2022.
299

300 _____
301 **Jacob R. Day, Mayor**
302
303

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 15.22 OF THE SALISBURY CITY CODE, ENTITLED “VACANT BUILDINGS”, TO REQUIRE REGISTRATION OF VACANT LOTS AND PAYMENT OF ANNUAL FEES.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Section 15.22 of the Buildings and Construction Title of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the purpose of Section 15.22 of the Buildings and Construction Title of the Salisbury City Code is to protect the public health and safety and the general welfare of the citizens of the City of Salisbury and to assist the city government in monitoring the number of vacant properties in the city to assess the effects of the condition of those properties on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to promote substantial efforts to rehabilitate such vacant properties;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 15.22 of the Salisbury City Code to require the registration of vacant lots and the payment of annual fees; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 15.22 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Section 15.22 of the Buildings and Construction Title of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Section 15.22 of the Salisbury City Code of the Salisbury City Code, entitled “Vacant Buildings” is amended as follows:

Chapter 15.22 VACANT BUILDINGS

15.22.010 Scope.

The provisions of this chapter govern buildings **and lots** located within the city of Salisbury. ~~with the exception that the provisions of the chapter shall not apply to lots located within residential districts.~~

(Ord. 2017 § 1 (part), 2006)

15.22.020 Purpose.

The purpose of this chapter is to protect the public health and safety and the general welfare of the citizens of the city of Salisbury and to assist the city government in monitoring the number of

vacant ~~buildings~~ **properties** in the city to assess the effects of the condition of those ~~buildings~~ **properties** on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to promote substantial efforts to rehabilitate such vacant ~~buildings~~ **properties**.

(Ord. 2017 § 1 (part), 2006)

15.22.030 Definitions.

The following definitions shall be used in the construction and interpretation of this chapter:

“Building” means a structure of any kind constructed for the shelter, support, or enclosure of persons, animals, chattels, or operations.

"Director" means the director of the Housing and Community Development Department.

"Occupied" means a building shall be deemed to be occupied if one or more persons actually conduct business or reside in all or any part of the building as the legal or equitable owner-occupant(s) or tenant(s) on a permanent, nontransient basis. For purposes of this section, evidence offered to prove that a building is occupied may include, but shall not be limited to, the regular receipt or delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; or the most recent, federal, state, or city income tax statements indicating that the subject property is the official address of the person or business claiming occupancy.

"Owner" has the meaning set forth in Section 15.24.030.

"Person" means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

“Lot” means a parcel or property without a building or other improvement on site; an unimproved individual parcel of real property. “Lot” shall not include unimproved real property which has ongoing, permitted construction.

"Vacant" means no person or persons actually, currently conduct a lawfully licensed business, or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), on a permanent, nontransient basis. ~~With respect to lots, “vacant” means unimproved by an assessed building.~~

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.040 Vacant ~~building~~ **property** registration.

A. Applicability. The requirements of this section shall be applicable to each owner of a building ~~or lot~~ that shall have been vacant for more than one hundred eighty (180) consecutive days, except that a condemned building shall be registered within thirty (30) days after notice that the building official has condemned the structure pursuant to Chapter 15.24 herein.

B. Registration. Each such owner of a vacant building ~~or lot~~ shall file a registration form ~~and pay an annual fee~~ with the Housing and Community Development Department ~~each year~~. The registration form shall include the street address of each such vacant building ~~or lot~~, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the director. The registration ~~and annual~~ fee(s) as required by subsection (C) shall be billed by the Housing and Community Development Department and shall be paid by ~~June~~ **August** 1st of each year.

1. If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation;
2. If the owner is an estate, the registration shall provide the name and business address of the personal representative of the estate;
3. If the owner is a trust, the registration shall provide the names and address of all trustees, grantors and beneficiaries;
4. If the owner is a partnership, the registration shall provide the names and residence addresses of all partners with an interest of ten percent or greater;
5. If the owner is any other form of unincorporated association, the registration shall provide the names and residence addresses of all principals with an interest of ten percent or greater;
6. If the owner is an individual person, the registration shall provide the name and address of that individual person;
7. If none of the persons listed in subsections (B)(1) through (B)(6) has an address in this state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owner(s) and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and as herein authorized and connection herewith.

C. Registration **and Annual** Fees. The ~~registration and annual~~ fees for registration of vacant buildings **and lots** shall be set by the city council from time to time. **The registration fee shall be paid once, at the time the property is registered. The annual fee is a reoccurring fee each year until such time as the property is no longer vacant.**

D. Inspection. All vacant buildings that remain on the vacant property registry for more than one fiscal year shall be subject to an annual inspection. This annual inspection shall consist of both an internal and external inspection of any structures located on the property. The fee for this annual inspection shall be established by the city council from time to time.

(Ord. 2017 § 1 (part), 2006)

E. This section does not apply to a vacant lot that:

- 1. Adjoins a non-vacant lot or property that is titled to the same owner of record as the vacant lot;**
- 2. Is currently used in connection with a licensed business for parking, storage or other legitimate business purpose; or**
- 3. Is located within a residential district.**

(Ord. No. 2348, 8-10-2015; Ord. No. 2456, 10-9-2017)

15.22.050 Transfer.

To transfer a vacant building **or lot** registration from one property owner to another, the owner shall give written notice, including the name and address of the transferee to the Housing and Community Development Department at least forty-eight (48) hours prior to any transfer of the registered property. The transferee must make application to the Housing and Community Development Department and pay the required fee for a transfer of a registration within thirty (30) days after the transfer of the property.

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.060 Failure to register or pay annual fee.

A. Failure to timely register a vacant building or lot, pay an annual or registration fee, notify the director of transfer of a vacant building or lot, or transfer a registration pursuant to this chapter shall result in a violation in accordance with Section 15.22.090 of this chapter ~~in the issuance of a nonregistration fee as adopted by ordinance of the council from time to time. Prior to assessing the non registration fee, the director shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice. If the owner fails to register a property within thirty (30) days after said notice, the director shall assess a non registration fee and send notice thereof to the owner.~~

B. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after the notice thereof, the director shall cause to be recorded in the finance department the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected.

(Ord. 2017 § 1 (part), 2006)

15.22.070 Prohibited occupancy.

Vacant buildings required to be registered pursuant to this chapter shall not again be occupied unless a certificate of occupancy has been issued by the director.

(Ord. 2017 § 1 (part), 2006)

15.22.080 Appeals procedure.

A. Any person wishing to appeal a determination of the Housing and Community Development Department shall file a written notice of appeal with the director within thirty (30) days after the department's action. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The director shall refer the appeal to the housing board of adjustments and appeals. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter 15.24 of this code.

(Ord. 2017 § 1 (part), 2006)

(Ord. No. 2456, 10-9-2017)

15.22.090 Violations—Penalties.

A. Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

(Ord. 2017 § 1 (part), 2006)

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,

184 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
185 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
186 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

187 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
188 if such recitals were specifically set forth at length in this Section 4.

189 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
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191 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
192 of Salisbury held on the 25th day of April, 2022 and thereafter, a statement of the substance of
193 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council
194 of the City of Salisbury on the _____ day of _____, 2022

195 **ATTEST:**
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198 _____
199 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

200 Approved by me, this _____ day of _____, 2022.
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202 _____
203 **Jacob R. Day, Mayor**
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AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2022 GENERAL FUND BUDGET TO APPROPRIATE FUNDS TO THE SALISBURY FIRE DEPARTMENT'S OPERATING BUDGET.

WHEREAS, the City has declared a 2012 International Terrastar Horton Ambulance as surplus and the vehicle has been sold at auction: and

WHEREAS, this vehicle was operated by the Salisbury Fire Department; and

WHEREAS, the City has received a total of \$20,350.93 from the proceeds generated from the auction sale and placed the funds in the City General Fund; and

WHEREAS, the Fire Department has use for the funds received and requests that the funds of \$20,350.93 be reallocated to the Fire Department Operating Budget for FY2022; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. The City of Salisbury's Fiscal Year 2022 General Fund Budget be and is hereby amended as follows:

- (a) Increase the Sale of Fixed Assets Account (01000-469200) by \$20,350.93 and
- (b) Increase the Salisbury Fire Department's Vehicles Account (24035-534308) by \$18,350.93 and
- (c) Increase the Salisbury Fire Department's Building Account (24035-534301) by \$2,000.00

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 2nd day of May, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the ____ day of _____, 2022.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]

49 ATTEST:

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54 **Kimberly R. Nichols, City Clerk**

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John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

April 28, 2022

TO: Julia Glanz
FROM: Colonel David Meienschein
SUBJECT: Ordinance – LGIT Body Worn Camera Grant

Attached, please find an ordinance to authorize the Salisbury Police Department to accept funds from the Local Government Insurance Trust in the amount of \$4,425.00 to purchase body worn cameras and associated software and data plan storage.

Unless you or the Mayor has further questions, please forward this Ordinance to the City Council.

David Meienschein
Assistant Chief of Police

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ORDINANCE NO. 2725

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ACCEPT LAW ENFORCEMENT BODY CAMERA GRANT FUNDS FROM THE LOCAL GOVERNMENT INSURANCE TRUST IN THE AMOUNT OF \$4,425 FOR THE SALISBURY POLICE BODY WORN CAMERAS PROJECT.

WHEREAS, the Local Government Insurance Trust (“**LGIT**”) funds a grant to help its member law enforcement agencies purchase equipment and services related to officer worn body cameras (the “**Law Enforcement Body Camera Grant**”); and

WHEREAS, the Salisbury Police Department (“**SPD**”), having a need for additional body worn cameras, applied for the said Law Enforcement Body Camera Grant and LGIT has awarded grant funds to the SPD in the amount of \$4,425; and

WHEREAS, as required by the terms of the grant, the SPD will provide matching funds in the amount of \$4,425; and

WHEREAS, the SPD has surplus funds available in current year operating accounts to accomplish the required grant match; and

WHEREAS, the combined grant and matching funds in the amount of \$8,850 will be utilized to purchase five (5) body worn cameras and the associated software and data storage for a period of 24 months; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to enter into an agreement with the Local Government Insurance Trust, on behalf of the City of Salisbury, for the City’s acceptance of training grant funds in the amount of \$4,425.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury’s Grant Fund Budget be and hereby is amended as follows:

(a) Increase LGIT Revenue Account No. 10500–456944–XXXXX by \$4,425.

(b) Increase Operating Expense Account No. 10500–546006–XXXXX by \$4,425.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2022.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Cori Cameron, Director of Water Works
Subject: Donation from CES
Date: May 4, 2022

A new blue fountain with a water bottle filling station was installed at Ben's Red Swings by the Department of Water Works in the spring of 2021. The fountain was requested by The Community Foundation of the Eastern Shore, Inc. and they promised to reimburse the city for a portion of the price of the fountain.

The Community Foundation of the Eastern Shore, Inc. sent a check for \$1000.00 to the City of Salisbury. An ordinance has been drafted to deposit these funds into the Playground Maintenance Account No. 10700-523628-76100.

Authorized By:

Cori Cameron, Director of Water Works

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ORDINANCE NO. 2726

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ACCEPT DONATED FUNDS IN THE AMOUNT OF \$1,000 FROM THE COMMUNITY FOUNDATION OF THE EASTERN SHORE, AND TO APPROVE AN AMENDMENT TO THE FY22 BUDGET TO APPROPRIATE THESE FUNDS TO PARTIALLY COVER COSTS OF THE PURCHASE AND INSTALLATION OF A NEW WATER FOUNTAIN AT BEN'S RED SWINGS PLAYGROUND.

WHEREAS, the Community Foundation of the Eastern Shore, Inc. (CFES) provides funding for projects that represent and serve the residents of Wicomico County, Maryland; and

WHEREAS, Ben's Red Swings is a playground located in the City of Salisbury that was created to honor the memory of Benjamin Layton, and was constructed by his family, friends and other members of the Salisbury community; and,

WHEREAS, the City has accepted donations from members of the community who are interested in contributing to the maintenance and upkeep of the Ben's Red Swings playground; and

WHEREAS, ~~the~~ CFES has awarded the City funds in the amount of \$1,000 to partially cover the costs of ~~the~~ purchase and installation of a new water fountain at Ben's Red Swings playground; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to accept a donation from the Community Foundation of the Eastern Shore (CFES), on behalf of the City of Salisbury, for the City's acceptance of funds in the amount of \$1,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's FY22 Budget be and hereby is amended as follows:

(a) Increase Donations—Other Revenue Account No. 10700–456415–76100 by \$1,000.

(b) Increase Playground Maintenance Expense Account No. 10700–523628–76100 by \$1,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2022.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 202~~2~~¹.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMO

To: Julia Glanz-City Administrator, Ron Strickler-Director HCDD
From: Christine Chestnutt-Housing & Homelessness Mgr.
Subject: Ordinance – Budget Amendment – Acceptance / Appropriation of
Community Mental Health Services Block Grant (CIT) Funding
Date: April 27, 2022

The City of Salisbury has received an award of FY22 Community Mental Health Services Block Grant Funds (Critical Time Intervention or CTI) funding from SAMSHA passed through the Wicomico County Local Behavioral Health Authority.

Attached is an Ordinance approving a budget amendment of the City's Grant Fund to appropriate \$12,562.00 in FY22 CTI funds that have been awarded to the City of Salisbury. These funds will be utilized to partially pay for the Homeless Services Case Specialist.

Please forward this information to the City Council to be placed on their agenda for the May 2, 2022 work session, the May 9, 2022 legislative meeting, and second reading / final passage at the May 23, 2022 legislative meeting. Thank you for your assistance.

Christine Chestnutt
Housing & Homelessness Manager
HCDD

Attachments
CC: Olga Butar
Kim Nichols

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ORDINANCE NO. 2727

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WICOMICO COUNTY LOCAL BEHAVIORAL HEALTH AUTHORITY FOR THE PURPOSE OF ACCEPTING COMMUNITY MENTAL HEALTH SERVICES (COVID RELIEF) BLOCK GRANT FUNDS IN THE AMOUNT OF \$12,562 AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS FOR THE HOMELESS SERVICES CASE SPECIALIST POSITION.

WHEREAS, Critical Time Intervention (“CTI”) is a time-limited evidence-based practice model designed to mobilize support for vulnerable individuals during periods of transition, including individuals transitioning from homelessness to permanent supportive housing; and

WHEREAS, the Wicomico County Health Department received funding from the Behavioral Health Administration for the Block Grants for Community Mental Health Services (COVID Relief) specific to the delivery of CTI services; and

WHEREAS, the Wicomico County Local Behavioral Health Authority (“**Wicomico County LBHA**”) has awarded the City of Salisbury (the “**City**”) a Block Grant for Community Mental Health Services in the amount of \$12,562 (the “**CTI Funds**”); and

WHEREAS, the City’s Homeless Services Case Specialist position will use CTI principles to assist individuals who are transitioning from homelessness to permanent supportive housing; and

WHEREAS, a permissible use of the CTI Funds is to (partially) cover the salary costs of the Homeless Services Case Specialist; and

WHEREAS, in order to accept the CTI Funds, the City must enter into a Memorandum of Understanding (“**MOU**”) with the Wicomico County LBHA to define the permitted expenditure, and conditions related thereto, of the CTI Funds; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to enter into a MOU with the Wicomico County LBHA, on behalf of the City of Salisbury, for the City’s acceptance of grant funds in the amount of \$12,562.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury’s Grant Fund Budget be and hereby is amended as follows:

(a) Increase MHBG SAMSHA Revenue Account No. 10530–425XXX–XXXXX by \$12,562.

(b) Increase Salaries–Non-Clerical Expense Account No. 10530–501002–XXXXX by \$12,562.

46 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
47 **SALISBURY, MARYLAND**, as follows:

48 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
49 Ordinance shall be deemed independent of all other provisions herein.

50 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
51 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or
52 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the
53 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall
54 remain and shall be deemed valid and enforceable.

55 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
56 recitals were specifically set forth at length in this Section 5.

57 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
58

59 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
60 Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the
61 Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the
62 City of Salisbury on the _____ day of _____, 2022.

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64 **ATTEST:**
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68 _____
69 **Kimberly R. Nichols, City Clerk**
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_____ **John R. Heath, City Council President**

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72 Approved by me, this _____ day of _____, 2022.
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77 _____
78 **Jacob R. Day, Mayor**